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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L Street, NW Washington, DC 20037			EXAMINER COLON, CATHERINE M	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,610

Applicant(s)

THEILER, DAVID

Examiner

C. Michelle Colon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final Office Action in response to the communication received on September 7, 2005. Claims 1, 8 and 12 have been amended. Claim 21 has previously been cancelled. Claims 1-20 are now pending in this application.

Response to Amendment

2. Applicant's amendments to claims 1, 8 and 12 are acknowledged. The amendments are sufficient to overcome the claim objections set forth in the previous Office Action; therefore, the claim objections of claims 1, 8 and 12 are withdrawn.

Response to Arguments

3. Applicant's argument has been fully considered, but is found unpersuasive. In the Remarks, Applicant argues that Flores et al. does not disclose the amended limitation of claim 1 that recites, "said workflow plan comprising a plurality of standards, each one of said standards inter-relating at least one activity object with at least one resource object as a function of time *and skill*." [Emphasis added]

With regards to the argument, Examiner respectfully disagrees. In col. 7, lines 18-22, Flores et al. discloses organization roles, which are named positions within an organization that have been identified as having the ability (i.e., the skill) to perform certain business processes. Additionally, col. 47, lines 35-50, Flores et al. discloses a business process definition in which an organization role is identified as having the ability to perform the associated business process. Since the limitation does not

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expressly recite *how* a resource is inter-related to an activity object based on time and skill; rather, just that a resource is inter-related to an activity object *as a function* of time and skill, the disclosure of Flores et al. suffices. Furthermore, Flores et al. discloses that a resource is inter-related to an activity object as a function of time in col. 42, lines 38-39, where performance time is identified as the time required for a resource to perform an activity. Accordingly, Examiner respectfully submits Flores et al. does disclose the limitation, said workflow plan comprising a plurality of standards, each one of said standards inter-relating at least one activity object with at least one resource object as a function of time and skill.

Therefore, Applicant's argument has been fully considered, but found unpersuasive.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6, 7, 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Flores et al. (U.S. 5,734,837).

As per claims 1 and 12, Flores et al. discloses a method and apparatus for creating a workflow process management application suitable for an organization, comprising:

(a) creating on a computer system, a plurality of department objects (col. 37, lines 49-55; col. 38, lines 31-47; The workflow application builder allows objects to be created to model workflow processes. Departments are created as part of indicating the organizational roles/identities of users.);

(b) creating, on said computer system, a plurality of resource objects, each resource object being associated with at least one of said department objects and a production resource of said organization (col. 38, lines 31-47; Identity, or resource, objects are created and associated with departments of an organization to indicate individuals responsible for certain roles.);

(c) creating, on said computer system, a plurality of activity objects, each activity object being associated with at least one of said department objects and an activity of said organization (col. 8, lines 20-30; col. 38, line 65-col. 39, line 49; Process, or activity, objects are created to identify business processes. Each resource object is associated with a department and a business process.); and

(d) after steps (a), (b), and (c), and responsive to a command, automatically generating, by said computer system, said workflow process management application from said department objects, resource objects, and activity objects (col. 5, lines 11-12 and 52-57; col. 6, lines 11-20; item 119 in Figure 6; The workflow process management application is generated after the workflow objects/definitions have been created using the workflow application builder.);

wherein said workflow process management application, when executed by said

computer, permits a user to enter, for each department, a workflow plan for said department, receive a workflow performed by departments of said organization, create a report comparing said workflow plan with said workflow performed (col. 6, lines 26-31; col. 7, lines 25-27; col. 9, lines 11-20; col. 11, lines 40-52; col. 71, lines 4-6; When a workflow process management application is generated, it provides a GUI for users to manage the particulars of a specific workflow plan and create status reports. The phases of workflows are also evaluated, where a phase of a workflow reflects a status of the workflow based on the activities of a workflow that have happened compared to the activities of the workflow which were permitted.); and

said workflow plan comprises a plurality of standards, each one of said standards inter-relating at least one activity object with at least one resource object as a function of time and skill (col. 4, lines 10-23; col. 5, lines 1-3; col. 6, lines 46-55 and 62-64; col. 7, lines 18-22; col. 8, line 65-col. 9, line 4; col. 42, lines 38-39; col. 47, lines 48-49; Workflows have rules, or standards, that specify certain relationships between objects. The rules include conditions such as identified organization roles to perform the activity objects as well as time frames for the activity objects to be completed within. Organization roles are named positions within an organization that have been identified as having the ability (i.e., the skill) to perform certain business processes.).

As per claims 2 and 13, Flores et al. discloses the method and apparatus of claims 1 and 12, wherein in said workflow process management application, said user enters a workflow plan by creating relationships between said resource and activity objects for each department (col. 6, lines 39-45; Using the workflow process

management application, a user may create relationships between resource objects and activity objects for an organization.).

As per claims 3 and 14, Flores et al. discloses the method and apparatus of claims 1 and 12, wherein said plurality of activity objects comprise a plurality of fixed activity objects and variable activity objects (col. 16, lines 27-30; col. 31, lines 43-48; Some objects are variable in that they can be changed, other objects are fixed, or read-only, in that they cannot be changed.).

As per claim 4, Flores et al. discloses the method of claim 1, further comprising:
selecting from a group of templates, a selected template and after said selecting, automatically creating a plurality of department, resource, and activity objects associated with said selected template (col. 12, lines 64-67; col. 13, lines 14-16 and 32-34; Workflow templates are used to establish certain definitions, objects and conditions with a workflow.).

As per claim 6, Flores et al. discloses the method of claim 1, further comprising:
creating, on said computer system, a plurality of objects related to groups, locations, and acuties, wherein said set of objects further comprises said plurality of objects related to groups, locations, and acuties (col. 38, lines 40-50; Identity objects include the location of a resource.).

As per claim 7, Flores et al. discloses the method of claim 6, wherein in said workflow process management application, said user enters a workflow plan by creating relationships between said resource objects, activity objects, and objects related to groups, locations, and acuties (col. 6, lines 39-45; Figure 7; Using the workflow process

management application, a user may create relationships between resource objects and activity objects for an organization.).

As per claim 15, Flores et al. discloses the method of claim 1, further comprising:
displaying a page in a user interface, said page comprising:

a logo region, a menu region, including at least one menu item, a navigation region and a context sensitive area (col. 7, lines 49-66; col. 26, lines 56-59; col. 27, lines 5-15; The GUI displays a page that includes menus, navigation and context sensitive regions. The GUI may be a Microsoft Windows application, which has a logo region.).

As per claim 16, Flores et al. discloses the method of claim 15, wherein the objects created in said creating step are based on user events generated by a user interacting with said menu region, navigation region and context sensitive area (col. 7, lines 64-66; col. 26, line 56-col. 27, line 2; col. 27, lines 5-7; A user clicks on an area within the GUI to generate an event.).

As per claim 17, Flores et al. discloses the method of claim 15, wherein said context sensitive area includes a hierarchical control object for showing and hiding a list of hierarchical objects (col. 28, lines 1-3; col. 37, lines 40-43; Data objects have a hierarchy using classes and objects.).

As per claim 18, Flores et al. discloses the method of claim 17, wherein said hierarchical objects comprise at least one department of said organization (col. 37, lines 50-52; col. 38, lines 46-47; A department is associated with an identity object.).

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As per claim 19, Flores et al. discloses the method of claim 17, wherein said application further permits said user to create a plurality of objects related to groups, locations, and acuities, said set of objects further comprises said plurality of objects related to groups, locations, and acuities, and said hierarchical objects comprise at least one location of said organization (col. 37, lines 49-55; col. 38, lines 40-50; Data objects have a hierarchy using classes and objects. Identity objects include the location of a resource.).

As per claim 20, Flores et al. discloses the method of claim 15, wherein said menu region comprise at least one of a menu item and a sub-menu (col. 7, lines 55-56; col. 27, lines 5-7; The system contains a menu region similar to that of a Microsoft Windows application where the menu item contains a pull-down of sub-menu items.).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flores et al. (U.S. 5,734,837) as applied above.

As per claim 5, Flores et al. discloses the method of claim 4, as discussed above. Flores et al. does not expressly disclose the workflow management application being used for a hospital. However, the claimed invention indicating the workflow

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management application being used for a hospital is mere intended use. That the workflow management application is to be used in a hospital is irrelevant since the intended field of use does not change the overall functionality of the system. The intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Accordingly, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the workflow management application of Flores et al. for managing the workflow of a hospital because Flores et al. creates workflow processes using object oriented design, where the objects can represent any type of organizational structure and resource, thus providing a flexible system for managing the workflow of various types of organizations, including hospitals.

As per claim 8, Flores et al. discloses a computer readable medium, comprising substantially similar steps as recited and analyzed above for claims 1 and 12. However, Flores et al. does not expressly disclose that the workflow application builder is web based. It is old and well known that the Internet, or web, provides global access to data. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the application of Flores et al. to be web based since doing so would allow the workflow designers to manage their business processes from any location, thus enhancing the application's accessibility and ease of use.

As per claim 9, Flores et al. discloses the computer readable medium of claim 8, wherein in said workflow process management application, said user enters a workflow plan by creating relationships between said resource and activity objects for each

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department (col. 6, lines 39-45; Figure 7; Using the workflow process management application, a user may create relationships between resource objects and activity objects for an organization.).

As per claim 10, Flores et al. discloses the computer readable medium of claim 8, wherein said application further permits said user to create a plurality of objects related to groups, locations, and acuities, and said set of objects further comprises said plurality of objects related to groups, locations, and acuities (col. 38, lines 40-50; Identity objects include the location of a resource.).

As per claim 11, Flores et al. discloses the computer readable medium of claim 8, wherein in said workflow process management application, said user enters a workflow plan by creating relationships between said resource objects, activity objects, and objects relating to groups, locations, and acuities (col. 6, lines 39-45; Figure 7; Using the workflow process management application, a user may create relationships between resource objects and activity objects for an organization.).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Leymann et al. (U.S. 6,772,407) discusses staging objects in workflow management systems; and
- Agrawal et al. (U.S. 6,278,977) discusses deriving process models for workflow management systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae (formerly, C. Michelle Colon) whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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cmt

November 19, 2005

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
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